

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: TRESSIE MONTENE DUFFY, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Tressie Montene Duffy, M.D. ("Dr. Duffy") freely and voluntarily enter into the following Order pursuant to West Virginia Code § 30-3-14, *et seq.*

FINDINGS OF FACT

1. Dr. Duffy currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 19978, issued originally in 1999. Dr. Duffy's address of record is in Martinsburg, West Virginia.

2. In July, 2009, the Board initiated a complaint against Dr. Duffy, which complaint alleged certain unprofessional, unethical and illegal conduct by Dr. Duffy including: acquiring or obtaining possession of a prescription medication by misrepresentation, fraud, forgery, deception or subterfuge; conspiracy to commit false and fraudulent billing and/or insurance fraud; dispensing a prescription drug other than in accordance with accepted medical standards and treating herself with that prescription drug.

3. Dr. Duffy filed a response with the Board in August 2009.

4. On or about October 22, 2009, Dr. Duffy pled no contest to the misdemeanor charge of insurance fraud (W.Va. Code §33-41-11) in the Magistrate Court of Berkeley County, West Virginia. The circumstances leading to the criminal charge and ultimate plea of no contest

are the same circumstances which led to the complaint described in paragraph number two (2), above.

5. Dr. Duffy appeared for a full discussion of the matter before the Complaint Committee of the Board in November 2009.

6. The underlying actions leading to Dr. Duffy's criminal conviction and the complaint of the Board were the result of a series of extraordinarily poor decisions on the part of Dr. Duffy in her personal life and were not the result of the treatment of her customary patient population. Dr. Duffy has demonstrated to the Board candor and regret for her actions.

7. Dr. Duffy desires to enter into this Consent Order with the Board in lieu of proceeding to hearing on charges the Board may file against her in relation to the complaint against her, described in paragraph two (2), above.

8. To ensure that Dr. Duffy practices medicine in the State of West Virginia with a reasonable degree of skill and safety to her patients, the agreement to and fulfillment of the terms and conditions of this Consent Order are necessary.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W.Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges of disqualification of Dr. Duffy from the practice of medicine due to violations of the provisions of: West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to dishonorable, unethical and/or unprofessional conduct; West Virginia Code § 30-3-14(c)(5) and (17) and 11 CSR 1A 12.1 (o),

(p), (x), and (bb), relating to failing to perform any statutory or legal obligation, filing a report the licensee knows to be false, failing to practice medicine acceptably, and otherwise violating the law; and, West Virginia Code § 30-3-14(c)(9), and 11 CSR 1A 12.1 (s) relating to making a deceptive, untrue or fraudulent representation in the practice of medicine and surgery; and 11 CSR 1A 12.2 (d), relating to conduct which is calculated to bring or has the effect of bringing the medical profession into disrepute.

3. The Board has determined that it is appropriate and in the public interest to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. Duffy enters into this Consent Order.

CONSENT

Tressie Montene Duffy, M.D., by affixing her signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Consent Order provided for and stated herein, and proceedings conducted in accordance with this Consent Order to the following:

1. Dr. Duffy acknowledges that she is fully aware that, without her consent, here given, no permanent legal action may be taken against her except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Duffy acknowledges that she has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, the right to cross-examine witnesses against her, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to her;

3. Dr. Duffy waives all such rights. *

4. Dr. Duffy consents to the entry of this Consent Order relative to her practice of medicine in the State of West Virginia; and,

5. Dr. Duffy understands that this Consent Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Duffy, the Board hereby **ORDERS** as follows:

1. Dr. Duffy is hereby **PUBLICLY REPRIMANDED** for her misdemeanor conviction and for her multiple poor judgments leading to the circumstances underlying the criminal charge and conviction;

2. Dr. Duffy shall undergo regular, individual psychological counseling by a licensed mental health professional for a period of eighteen (18) months from the date of the entry of this order. The licensed mental health professional must be approved by the Board. Dr. Duffy shall arrange for the licensed mental health professional to provide quarterly reports to the Board during the eighteen (18) month period, including executing appropriate medical records releases as necessary. Failure to comply with this provision shall expose Dr. Duffy to further disciplinary action by the Board.

WEST VIRGINIA BOARD OF MEDICINE

DATE ENTERED: February 24, 2010

John A. Wade, Jr., M.D.
John A. Wade, Jr., M.D.
President

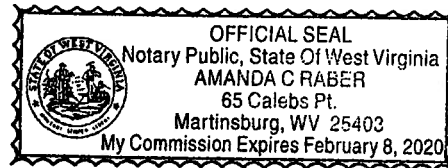
Catherine C. Slemp
Catherine Slemp, M.D., M.P.H.
Secretary

Tressie Montene Duffy
Tressie Montene Duffy, M.D.

Date: 02/11/2010

STATE OF West Virginia

COUNTY OF Berkeley



I, Amanda C. Raber, a Notary Public in and for said county and state,
do hereby certify that Tressie Montene Duffy, M.D., whose name is signed above, has this day
acknowledged the same before me.

Given under my hand this 11 day of February, 2010.

My commission expires February 8, 2020.

Amanda C. Raber
Notary Public